NEW PUBLICATIONS.

PROF. HADLEY'S ROMAN LAW.

To the Editor of The Tribune. SIR: The subjoined notice was prepared for the forthcoming number of The North American Revice. In consequence of the loss of a portion of the manuscript, after being mailed to the editor, the article appears in The Review in a mutilated form, and marred by errors of the press, the writer's engage-ments having made it impossible to rewrite the lost sheets and transmit them to the printers, with the corrected proofs, before The Review was printed. It is due to Prof. Hadley's memory that the potice, if printed at all, should be as complete as the writer could well make it. He is therefore greatly indebted to the courtesy of THE TRIBUNE for its pubheation in full. Though reproduced from memory, with no aid from notes, it is believed that it will correspond very closely, in both substance and langnage, with the article as printed in The Recier.

Few Haven, Dec. 26, 1878. Albert S. Wheeler.

To many persons who have long been famuliar with the name of the late Prof. Hadley as a great Greek scholar and comparative philologer, it will, no doubt, seem somewhat singular that the longest and most elaborate work he has left behind him, aside from his Greek Grammar, is a course of lectures upon Roman law. They are an exceedingly interesting evidence of the versatility of his powers and of the wide range of his studies. It would appear from the preface that there was something accidental in the circumstances which led him at the outset to pay any special attention to the subject of Roman law; but after his interest was nce awakened, his powerful natural aptitude for such studies and his conviction of their interest and value-"to the student of history and the man of liberal culture se well as to the expectant lawyer," to quote his own words-led him to pursue them long and deeply, as these lectures sufficiently testify. He recognized fully and thized with that revival of Roman law studies which, beginning in Germany, under the influence of various causes, in the latter part of the last century, and mightily stimulated by the genius of Niebuhr and Savigny, and by the discovery of new sources of legal and historical information, especially the Commentaries of Gaius, has slowly communicated itself to England and there cooperating with a movement in favor of law reform, in which Bentham, Brougham, and Romilly each bore a conspicnous though apparently independent part, has already been productive of great change in legislation, as well as in legal thought and study, and gives promise of still greater changes in the near future. The subject of scientific jurisprudence, and the problem it suggests, hew best to reduce the heterogeneous and complicated body of English law to an harmonious and scientific form, has become more and more en-greesing. In the consideration of these sub-Prof. Hadley took a lively interest. Indeed, the bias of his mind Howards jurisprudence had become so decided that in the last years of his life he frequently remarked that this department was more congenial to him than any other, and that if circumwided energy. At the time of his death he was zealously engaged in the study of international law, which he was teaching to the Senior Class of Yale College, and was also under engagement to prepare a course of lectures upon the fundamental principles of jurisprudence. This volume, therefore, to which its editor has Law," is only a partial representation of the extent and variety of its author's legal studies. It was prepared as a course of lectures to the Benior class of Yale College, but they had also been read twice before the students of the Yale Law School, where a knowledge of the elements of Roman law has become a regular requirement. They had once, too, been delivered in the post-graduate course of Harvard Uni-

versity, and had been received there with great favor. Though having few external merks of unity, the volume and coherent organic whole. In the author's words, its subject is the "History and System" of the Roman law, and the work accordingly consists of two unequal parts. The first four lectures are devoted to the former head, and the remaining eight to the latter. In the historical portion of the work are treated in the following order the Corpus Juris, its component parts, and the node of its compilation; the Roman law since Justinian, the Roman law before Justinian, and the progress of the law during the republican period. The necessity of le-gal history for the comprehension of the Roman law ystem, or of any law system which has passed through various phases, is clearly shown. The fourth lecture is especially interesting and valuable. It contains an exposition of some of the highly formal and technical transactions of the early law, and points out the processes by which the narrow system embodied in the Twelve Tables was gradually enlarged and liberalized by the mass of supplementary law, which from time to time was promulged in the prætor's edict. In the third lecture there amenoration of the law was ultimately due, though the official recognition of their views by the adoption of them into the prætor's edict was intearly times necescary to give them legal authority. "In general the practor was not an elderly lawyer, but a middleaged politician. In matters of difficulty and delicacy he was naturally dependent on the advice of the jurisconsults." (p. 61.) Whether it may be said that "the prator's edict was not law nor a body of laws," but merely "a body of information," will depend upon the precise significance attached to the term law. To the adopt the analysis of Austin, the edlet will seem entitled to the name of law equally with formal statutes, differing from them chiefly in the mode of promuigation. The view, however, implied in the words quoted is held by the leading German writers, and is inferentially the Sectrine of Gaius. (Bk. I, § 6.)

The second portion of the book, which is devoted to the System of Roman law, and consists, as has been stated, of the last eight lectures, treats successively of status and Family Relations, Property, Obligations, and Inheritance. The arrangement corresponds mainly to that fellowed in the Reman institutional books, and which is called in Germany the Roman system (das romische Institutionensystem.) The only cases of departure from it are that the author places the subject of Obligations before that of Inher-Stance, and inverte the Roman order of testamentary and intestate inheritance. The former change is no doubt due to the fact, which critics have frequently pointed out, that the subject of Inheritance logically presupposes an acquaintance with the law of Obligations, since these form a part of that aggregate of rights and obligations (unicersitas juris) of which the inheri tance (kereditas) consisted, and which on the death of the ancestor devolved upon the heir, or, as be is more significantly named, the universal successor. Under the head of Inheritance, the author has apparently placed intestate inheritance first, because of its earlier historical origin than inheritance by will, and be sause in this way he was able to present the rather complicated subject in a clearer manner. No lectures of the eries afford a better illustration of the author's skill in the exposition at once of controlling general principles and in grouping intelligibly what is often but a confus ing mass of detail. It will thus be seen that, exclusive of the law of Actions, the volume is a complete insti suites of Roman law. It treats of that portion of the entire body of Roman private law which, in distinction from the law of Actions, has sometimes been called by English writers substantive law, and in German books is styled das materiette Recht. It is known that the author designed to add two lee tures, at least, to this course; and it can hardly be doubted that these would have been devoted to Actions, which is the subject of the fourth book of Gaius and of the bulk of the fourth book of Justinian. It is much to be regretted that this purpose was never carried ont. It would have completed the exposition of the Roman law System, and would also bave supplied fuller illustration of the processes aiready clearly though necessarily briefly indicated in the lecture on the progress of the law (Lect. iv.), by which a long succession of practors, representing the most advanced legal sentiment of their day, gradually remedied, without recourse to direct legislat completeness and the hardships of the older law, by the introduction of new actions, and the recognition of new defenses (exceptiones). It was under this head that the author would naturally have pointed out the analogies between the development of the Roman juspratorium and of English equitable jurisprudence through the ex-traordinary jurisdiction of the Chanceller.

has closely adhered to the rule laid down in his opening lecture, and which should be borne in mind in criticles that the standard Episopai were, 12mo. Supply connective with a copy of "CHAFINS PRIMITIVE Supply connective with a copy of "CHAFINS PRIMITIVE CHURCH." A fresh addition of this standard Episopai were, 12mo. Supply connective with a copy of "CHAFINS PRIMITIVE CHURCH." A fresh addition of this standard Episopai were, 12mo. The standard Episopai were, 12mo. Supply connective with a copy of "CHAFINS PRIMITIVE CHURCH." A fresh addition of this standard Episopai were, 12mo. The standard Episopai were, 12mo. Supply connective with a copy of "CHAFINS PRIMITIVE CHURCH." A fresh addition of this standard Episopai were, 12mo. Supply connective with a copy of "CHAFINS PRIMITIVE CHURCH." A fresh addition of this standard Episopai were, 12mo. Supply connective with a copy of "CHAFINS PRIMITIVE CHURCH." A fresh addition of this standard Episopai were, 12mo. Supply connective with a copy of "CHAFINS PRIMITIVE CHURCH." A fresh addition of this standard Episopai were, 12mo. Supply connective with a copy of "CHAFINS PRIMITIVE CHURCH." A fresh addition of this standard Episopai were, 12mo. Supply connective with a copy of "CHAFINS PRIMITIVE CHURCH." A fresh addition of this standard Episopai were, 12mo. Supply connective with a copy of "CHAFINS PRIMITIVE CHURCH." A fresh addition of this standard Episopai were, 12mo. Supply connective with a copy of "CHAFINS PRIMITIVE CHURCH." A fresh addition of this standard Episopai were, 12mo. Supply connective with a copy of "CHAFINS PRIMITIVE CHURCH." A fresh addition of this standard Episopai were, 12mo. Supply connective with a copy of "CHAFINS PRIMITIVE CHURCH." A fresh addition of this standard Episopai were, 12mo. Supply connective with a copy of "CHAFINS PRIMITIVE CHURCH." A fresh addition of this standard Episopai were, 12mo. Supply connective with a copy of "CHAFINS PRIMITIVE CHURCH." A fresh addition of this standard Episopai were, 12mo. Supply connective with a copy of " In the execution of the plan thus sketched the author

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you would find confusing and wearisome." (p. 3.) The leading principles under each title are set forth in bold relief, in striking and pregnant statements; and only such details are admitted as are needful to show the scope and application of principles. The style is precise and vigorous, and is frequently enlivened by colloquial vivacity, and even humor. Valuable illustration, both of doctrine and of history, is drawn from the English law, which is particularly noticeable in the discussion of fictions in lecture fourth. There is a considerable body of Latin technical terms, and some useful are made readily intelligible by close and terse translations, which recall the remarkable translations in the writer's power to make a new conception clear may be instanced his defluition and illustration of agreete and cognate relationship. This it may be worth while to

Suppose that some person now living of the name of Winthrop, descended through father, grandfather, great-grandfather, etc., from oid Gov. Winthrop of Massachusetts, who died in 1619, should make out a complete genealogical table, including all the descendants of that remote ancestor. He would first give all his children; then all his grandfachildren, the children of his daughters as well as of his sons; then all his great-grand-children, the children of granddaughters as well as of grandsons; and so for each generation, giving the descendants of females equally with those of maies. The list would naturally include many persons of other names than Winthrop, and all these persons would be cognates of each other. But suppose, now, that he should make another and more restricted list, containing only those whose connection with the common ancestor could be traced through males alone. He would first give all his children, as before, daughters as well as sons. He would next give the children of his sons, but would exclude the descendants of his daughters. He would then give the children of his sons, but would exclude all descendants of his sons' daughters. And so co. Such a list would include only persons of the name of Winthrop. It would include only persons of the name of Winthrop. It would include females who had that as their native name, but would exclude the Romans called an agoate relationship. (p. 132-5). agnate relationship. (p. 132-3.)

It may be doubted whether the distinction between cognates and agnates was ever set forth in a way to be more readily or more completely apprehended by a

In the exposition of his subject the author does not attempt to set forth the current law of any particu-lar period. The essential character of each legal institute is explained, and the most important steps in its development. Wherever Justinian introduced any change regarded as material, the! fact is stated; but there is manifestly no disposition to regard as representative Roman law this later legislation, though in the main improving the substance of the law, frequently marred the logical symmetry of the system. work that though brief and condensed, and embedying an amount of fact and of dectrine that one can only fully realize who will compare the author's treatment of each topic with the corresponding portions of Gaius and Justinian, it has none of the repulsive features which usually mark a compend. It is a fresh, vigorous. and masterly resume of the writer's views, upon intimate familiarity with the ancient law books and the writings of the best medern these may be mentioned Savigny, Puchta, Keller, and Ortolan. To Puchta, however, of whom the author was he probably owed more than to any other modern law writer. The familiarity with English legal history, of which the author in several cases makes admirable use, is derived in part, at least, from Spence's History of the

Court of Chancery. His English authorities, however,

when the interest which is felt in England in Roman

law is beginning to extend to this country, where hith-

The work appears by a favorable coincidence

are difficult to trace.

the kind has been produced. As an introduction to the whole subject, especially as a proparation for the reading of the original institutional books, or as a syllabafor a more extended course of lectures, it will have great value. It is especially adapted to the use of college students, for whom indeed it is was originally prepared as a part either of their general culture or their historical partment of Latin, in which, strangely enough, there is usually no attention given to what is the most charac teristic and, to the modern world, most important, product of the Roman mind. We do not mean to intiyer, or that law writers should supplant in any measure the study of the great literary classics. We do maintain that, in view of the largelnumber in every college class who are looking forward to the profession of the law, a valuable opportunity is lost of the nay, a valuable opportunity is loss to giving a new impulse to their Latin studies, by pointing out one of its practical applications, which could be accomplished by devoting one ferm's work, which might be made optional, to obtaining an outline knowledge of Roman law. During the time named a class of good Latin scholars could, under proper instruction, read intelligently both in respect to language and doctrine, one of the Roman institutional books; thus enlarging materially their knowledge of linguistic usage and of history, and laving an invaluable foundation for future professional study. This is work which is not likely to be done, and which cannot conveniently be done at a law school: it could be conveniently and advantageously done in college. Its practicability is evidenced by the existence of the book under considera tion, which had its origin in such academic study. That it is work for which provision should be made some where, is the conviction of many lawyers and scholars both here and in England. It is the connecting link, as Maine has pointed out in his famous Cambridge essay, between academical classical study and our own municipal law. In Eugland an acquaintance with Roman law has re-cently been made a necessary part of legal education. A new impulse has there been given to the study within a very few years in consequence of the interest awakened in general and historical jurisprudence, by the publi-cation in 1861 of Maine's Ancient Law and of the collective works of Austin in 1861-3; as well as by the investiga tions growing out of discussions in regard to an English code, the production of which at an early day is in a late work of Prof. Amos assumed to be conceded. Substantially the same reasons exist for the cultivation of these studies here as in England. The growing bulk of our law reports, State and Federal, which in 1871, according to a tatement of Prof. Washburn, amounted to over 2,000, is forcing the subject of the practicability and the desirableness of codification upon the attention of the mos conservative members of the profession, to whom the labor involved in grappling with this mass of precedent becomes more and more irksome and impracticable, while to the nonprofessional mind, imbued in any measure with the scientific spirit of the age, such a condition of things seems an anomaly and an anachronism. The problem of codification is not likely to be successfully undertaken, as was pointed out in the essay just cited, except from the vantage ground afforded by a competent knowledge of Roman law. The recent English literature of the subject makes the cultivation of it more generally practicable than hitherto. Within three years have appeared at least three editions of Gaius, with translation and commentary. One of these, Mr. Poste's, is very valuable. Prof. Hadley's little book will also prove a useful auxiliary, and will, no doubt, awaken in many readers an interest in the subject and stimulate to deeper studies. It is a model of what a great law writer calls " the difficult art of perspicuous, discreet, and interesting exposition," composed in the spirit of the ancient classical jurists, and worthy by its merits of form and sub-

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stance to have for its motto the words of Justinian,

nihil inutile nihilque perperam positum. That it is not

as comprehensive in its treatment as its author mani-

festly planned it, is cause for regret; but it is only one

among the many causes for regret that the great scholar

and admirable man, whose genius it partially illustrates,

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PROPOSALS Will be received by the Commissioners of Public Chari-ties and Correction until 2 o'clock p. m. of MONDAY, Jan. 8. 1874. for farnishing two thousand (2,000) tons of best quality of WHITE ASH COAL.

For full information see The City Record. Copies for sale at No. 2. Gity Hall. City Hall.

PROPOSALS FOR THREE STEAM PILE
DRIVERS.—SEALED PROPOSALS for farming three (3)
Steam Pile Drivers will be received at the office of the Department of
Docks natil two o'deek neen of MONDAY DRUMBER 29th, 1873.
For full information see "The City Reserva" Copies for sale at No. 2

City Hall.

SALE OF BUILDINGS.—The BUILDINGS, acc, on the line of One-handred and search at, to be removed in consequence of the widering of the same between Ninth and Riverside-area, will be said at public ascellas on the ground on WKDN 18DAY, Jan. 7, 1874, at 10 o'choun a. B. Cor particulars apply to GEO. M. VAR RORT Commissioner of Public Works.

THE MONEY MARKET.

OFFICIAL REPORT, N. V. STOOK EXCHANGE SALES, DEC. 26, 1873. GOVERNMENT STOCK DEPARTMENT-101 O'CLOCK AND 171 O'CLOCK, A. M. 5.000 U S 5e Com (8).110 2 20.00 U S 5-20 Cs. 671174 20.000 U S 5-20 Com 62, 5.000 5.1174 1.000 U S 5-20 Ccs. 65. 1134 1.000 U S 5-20 Ccs. 65. 1134 5.000 1.1174 1.000 U S 5-20 Ccs. 5.50 1135 5.000 1174 24.000 12 3.000 U S 5-20 Ccs. 5.50 1135 1.000 U S 5-20 Ccs. 68. 31.000 U S 5-10-40 Esc. 117 5.000 U S 5-10-40 Esc. 1

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FIRST BOARD—101 A. M.
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SECOND BOARD-1 O'CLOCK P. M. Sales of State Bonds-Railroad Bonds-road-Express Stocks, &c. ! Harlem R H

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FRIDAY, Dec. 26-P. B

At the opening to-day the Wall-st, markets indicated a repetition of those of Wednesday, and as the London Stock Exchange was taking a holiday the absence of any quotations from there made the dullness more dense, so on very slight transactions prices of stocks fell off slightly during the forencon. but later in the day a bull movement in Panama, Railroad, which carried that stock about five points to 104), communicated a better feelings to the other stocks, and a pretty general rally took place, which carried the active list to the strong. The feeling that we are to have a further expansion of the currency is still strong, and carries with it the expectation that, with easy money. we must have a buoyant stock market. Hence spec lators are preparing to take advantage of the anticipated "January rise," and it is not impossible that the buying to-day was the result of a desire not to be too late for the aforesaid "rise." The most active stocks to-day were Western Union, which sustained itself very well; Pacific Mail, which advanced 11 per cent on the day's transactions; Union Pacific, which fluctuated only between 29; and 30; North-Western, which was strong, as were also Toledo and Wabash and C., C. and I. C. There was quite an active demand for investment, and in addition to the sharp advance in Panami Railroad, Delaware, Lackawanna and Weet up to 1042; white Harlem sold at 119, and Chicago and Alton at 102. The opening, highest, lowest, and

closing prices of active stocks were as follows: c stocks were as follows

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